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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,632	08/19/2003	A. David Shay	17836-55730	7523

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EXAMINER	
PERUNGAVOOR, VENKATANARAY	
ART UNIT	**PAPER NUMBER**
2132	

MAIL DATE	DELIVERY MODE
06/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/644,632	SHAY, A. DAVID	
	Examiner	Art Unit	
	Venkat Perungavoor	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-4,6-20,84-86,88-102,129-137,155-172 and 199-207* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-4,6-20,84-86,88-102,129-137,155-172 and 199-207* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 April 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 2-4, 6-20, 84-86, 88-102, 129-137, 155-172, 199-207 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. On Claim 101, the word TCP is misspelled as PCP.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-4, 6-20, 84-86, 88-102, 129-137, 155-172, 199-207 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6493342 to Breslow et al.(hereinafter Breslow) in view of US Patent Publication 2004/0215771 A1 to Hayes.

5. Regarding Claim 7, 89, 159, Breslow discloses header having user identifier and source identifier see Fig. 4 item 46,52. But does not disclose the transforming the user identifier and source identifier to generate data for inclusion in the header where the data indicating the transformed user identifier(process identifier usually includes the user name/id) is included in the sequence number field. However, Hayes discloses the inclusion of a key in the header where the included data is in the sequence number field see Fig. 4 & Abstract & Par. 0043. It would be obvious to one having ordinary skill in the art at the time of the invention to

modify the transforming the user identifier and source identifier into a key for inclusion in the header where the data is included in the sequence number field in the invention of Breslow in order to thwart port scanner attacks as taught in see Par. 0004.

6. Regarding Claim 2-3, 9, 84-85, 91, 135, 155-157, 160-162, 203, 199, 203, Hayes discloses the embedding of key in the sequence number field and acknowledgement field see Fig. 1 item "Identification" & Par. 0043 & Abstract & Par. 0039. It would be obvious to one having ordinary skill in the art at the time of the invention to modify the key to include the user identifier and source identifier in the invention of Breslow in order to conceal the network device as taught in Hayes see Par. 0045 & Par. 0044.

7. Regarding Claim 4, 11, 86, 93, 163, 165, Hayes discloses the non-zero value of the acknowledgement field see Par. 0039.

8. Regarding Claim 6, 88, 136, 158, 204, 206, Hayes discloses the checksum see Fig. 1 and Fig. 2.

9. Regarding Claim 8, 10, 12, 90, 92, 94, 137, 164,Hayes discloses the keys being used see Par. 0012.

10. Regarding Claim 13, 131,Breslow discloses header having user identifier and source identifier see Fig. 4 item 46,52. But does not disclose the transforming the user identifier and source identifier to generate data for inclusion in the header where the data indicating the

transformed user identifier(process identifier usually includes the user name/id) is included in the acknowledgement number field. However, Hayes discloses the inclusion of a key in the header where the included data is in the sequence number field see Fig. 4 & Abstract & Par. 0043. It would be obvious to one having ordinary skill in the art at the time of the invention to modify the transforming the user identifier and source identifier into a key for inclusion in the header where the data is included in the sequence number field in the invention of Breslow in order to thwart port scanner attacks as taught in see Par. 0004.

11. Regarding Claim 14, 96, 166,Breslow discloses the user identifier indicates user associated with source node and initiates communication by transmitting packet see Fig. 8 item 162 & 168.

12. Regarding Claim 15, 97, 167, Breslow discloses the user identifier having username see Fig. 16.

13. Regarding Claim 16, 168, Breslow discloses the user identifier indicates source node that initiates the communication see Fig. 4 item 44.

14. Regarding Claim 17, 99, 132, 169, 202, Breslow disclose the MAC address see Col 7 Ln 29-38.

15. Regarding Claim 18, 100, 170, Breslow discloses the desktop computer see Fig. 3.

16. Regarding Claim 19-20, 98, 101-102, 171-172, 200, Hayes discloses the TCP/IP format and the SYN packet used to initiate the connection see Par. 0004 & Abstract.

17. Regarding Claim 95, 201, Breslow discloses header having user identifier and source identifier see Fig. 4 item 46,52. But does not disclose the transforming the user identifier and source identifier to generate data for inclusion in the header where the data indicating the transformed user identifier(process identifier usually includes the user name/id) is included in the sequence number field. However, Hayes discloses the inclusion of a key in the header where the included data is in the sequence number field see Fig. 4 & Abstract & Par. 0043; and Hayes discloses the non-zero value of the acknowledgement field see Par. 0039. It would be obvious to one having ordinary skill in the art at the time of the invention to modify the transforming the user identifier and source identifier into a key for inclusion in the header where the data is included in the sequence number field in the invention of Breslow in order to thwart port scanner attacks as taught in see Par. 0004.

18. Regarding Claim 207, Breslow discloses header having user identifier and source identifier see Fig. 4 item 46,52. But does not disclose the transforming the user identifier and source identifier to generate data for inclusion in the header where the data indicating the transformed user identifier(process identifier usually includes the user name/id) is included in the sequence number field. However, Hayes discloses the inclusion of a key in the header where the included data is in the sequence number field see Fig. 4 & Abstract & Par. 0043; and Hayes discloses the keys being used see Par. 0012. It would be obvious to one having ordinary skill in the art at the time of the invention to modify the transforming the user

identifier and source identifier into a key for inclusion in the header where the data is included in the sequence number field in the invention of Breslow in order to thwart port scanner attacks as taught in see Par. 0004.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VP/
Venkat Perungavoor
Examiner
Art Unit 2132

Examiner AU 2132

June 6, 2007